

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

**FILED**

May 13, 2024

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

BY: NM  
DEPUTY

DR. HIEU X. PHAN JR.

Plaintiff

v.

UNIVERSITY OF THE INCARNATE  
WORD

Defendant


CIVIL ACTION NO.  
SA-23-CV-1418-OLG

**ORDER**

Plaintiff filed this lawsuit on November 9, 2023. Docket no. 1. Plaintiff has the responsibility to timely serve the summons and complaint as required under the rules. *See* Fed. R. Civ. P. 4. Plaintiff must serve the defendant within 90 days after the complaint is filed and proof of service must be filed with the Court. Fed. R. Civ. P. 4(m). If Plaintiff does not serve the defendant within 90 days, the Court must, on its own after notice to the plaintiff, dismiss the claims against the unserved defendant without prejudice or order that service be completed within a specified time. *Id.* The record in this case reflects that more than six months has passed without effecting service of process on the defendant.

It is therefore ORDERED that Plaintiff show cause, within 14 days from the date below, why the claims against the unserved defendant should not be dismissed for failure to timely and properly serve the defendant. If Plaintiff does not intend to pursue the claims against the unserved defendant, a motion to dismiss may be filed in lieu of the response to show cause.

SIGNED this 13th day of May, 2024.

  
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ORLANDO L. GARCIA  
UNITED STATES DISTRICT JUDGE